

FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARY WIELGUS, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER
92 DEN 106

The parties to this action for the purposes of Wis. Stats. sec. 227.53
are:

Mary Wielgus, D.D.S.
2711 North Mason Street
Appleton, WI 54914

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final decision of this matter, subject to the
approval of the Board. The Board has reviewed this Stipulation and considers
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation
and makes the following:

FINDINGS OF FACT

1. Mary Wielgus (D.O.B. 2/24/61) is duly licensed in the state of
Wisconsin as a dentist (license # 4019). This license was first granted on
January 30, 1989.

2. Respondent's latest address on file with the Department of
Regulation and Licensing is 2711 North Mason Street, Appleton, WI 54914.

3. Respondent treated patient LV for a severe endodontic condition and
pain. During the period 7/02/92 to 10/12/92 Respondent prescribed 50 percodan,
92 vicodin, and 118 tylenol #3 with codeine to patient LV. During the same
period of time, patient LV was obtaining controlled substances from other
health care providers as well.

4. Respondent treated patient JW for an endodontic condition and pain. During the period 6/17/92 to 8/3/92 Respondent prescribed 48 percodan, 32 oxycodone and 28 tylenol #3 with codeine to patient JW.

5. Respondent treated patient TB for an endodontic condition and pain. During the period 6/02/92 to 8/12/92 Respondent prescribed 168 tylenol #3 with codeine to patient TB.

6. Respondent treated patient JB for an endodontic condition and pain. During the period 1/03/92 to 8/04/92 Respondent prescribed 308 acetaminophen #3 with codeine, 34 Roxipirin, 64 oxycodone and 28 Veetids to patient JB.

7. An office practice of Respondent was to maintain preprinted prescription orders. Access to the prescription blanks was apparently gained and fraudulent prescriptions were issued under Respondent's name. Law enforcement officials are conducting an investigation concerning the incidents.

CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against her license to practice as a dentist in the state of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3)(a) and (L), and Wis. Adm. Code sec. DE 5.02(1), (5) and (6).

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The stipulation of the parties is accepted.

2. The license of Mary Wielgus to practice as a dentist in the state of Wisconsin is hereby LIMITED until certification of the successful completion of a course of education and training in the clinical, legal and ethical issues in prescribing abusable drugs is filed with the Dentistry Examining Board. Dr. Wielgus shall complete the course within 12 months of the date of this Order. The course outline must be pre-approved by the Board or its designee no later than 2 months from the date of this Order. The outline must include the name of the instructor, the name of the institution offering the course and the content of the course of study.

3. The license of Mary Wielgus is further LIMITED for a period of two (2) years from the date of this Order as follows:

a) Respondent shall maintain a log of all prescription orders, dispensing, and administration of controlled substance in her dental practice.

b) The log shall be a separate document from the individual patient records and shall list in chronological order the following:

- 1) patient name
- 2) Date prescription order issued/drug dispensed/drug administered,
- 3) Drug ID, strength, dosage,
- 4) number of refills authorized,
- 5) condition for which patient is being treated.

c) Every three months, beginning three months from the date of this Order, Respondent shall submit an accurate copy of the log entries for the preceding three months to the monitor, Division of Enforcement, Department of Regulation and Licensing, for review.

d) Upon request, Respondent shall produce the log for inspection by an investigator of the Division of Enforcement.

4. This Order shall be in effect upon signing.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

WISCONSIN DENTISTRY EXAMINING BOARD

By: Thomas G Branch 5-4-94
A Member of the Board Date

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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARY WIELGUS, D.D.S.,	:	92 DEN 106
RESPONDENT	:	

It is hereby stipulated between Mary Wielgus, personally on her own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Respondent in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Mary Wielgus, D.D.S.
Mary Wielgus, D.D.S.

22 January 94
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

January 22, 1994
Date

jh

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

MAY 5, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)